



WSCAC Meeting

October 14, 2014-10:00 AM

Location: MWRA Facilities in Southborough

Members in Bold in Attendance:

Whitney Beals, WSCAC Chair, NE Forestry
Elie Saroufim, Boston Water & Sewer
Martha Morgan, Nashua River Watershed
Dona Motts, MA League of Women Voters
Bill Fadden, RSC

Andrea Donlon, CRWC
Gerald Eves, Trout Unlimited
Michael Baram, BU & CLF
Paul Lauenstein, NepRWA
Martin Pillsbury, MAPC

Non –Members in Attendance:

Lexi Dewey, WSCAC staff
Nathan Phillips, Boston University
Kurt Tramosch, Wayland Wellhead Prot. Comm.

Heidi Waugh, WSCAC staff
John Gregoire, MWRA
Andreae Downs, WAC

WSCAC Business

Whit Beals introduced Heidi Waugh, the new WSCAC assistant. Members and non-members introduced and identified themselves for the recording.

Whitney Beals noted that the June 10th 2014 meeting summary required approval; he entertained a motion to accept the summary as distributed. The summary was unanimously approved.

Rail Update

Michael Baram recounted WSCAC's decision to draft a committee letter regarding the protection of the MWRA system from rail access that could potentially involve spills of hazardous substances into the water supply. The Wachusett area is of particular concern to the committee as the tracks are adjacent to the reservoir.

Michael continued to state that Mr. Laskey had replied to a personal letter that Michael had sent regarding rail safety. Mr. Laskey told Michael that he was working with Pan Am Rail and making progress. Michael noted that in response to a follow-up letter sent by WSCAC, Mr. Laskey again responded that they were making progress, yet he provided no specific details. Michael stated that at a joint Sept. meeting of the committees several weeks prior, he had the opportunity to question Mr. Laskey from the floor. Once again, only general answers were provided.

Michael suggested that as an advisory committee, WSCAC should go further and ask some basic questions: who is in charge of railroad access to the Quabbin and railroad safety that is relevant to protecting the MWRA system? Has the state created a committee or interagency work group that has the protection of the MWRA system from rail access as one of its priorities? Finally, what is being done?

In addition to these general questions, Michael expressed concern about the track speed limits, personnel training, and track maintenance. Additionally, he questioned where are trains being parked overnight? Michael believes it is appropriate to address the state regarding these issues as they are of local concern.

The discussion moved to the topic of route selection. Michael stated that route selection is a requirement for trains carrying security sensitive materials such as explosives and radioactive substances: any train or railroad company must justify their route selection for this limited category of hazardous materials as being the most protective in terms of safety and security.

Michael proceeded to suggest that the committee should ask Mr. Laskey if route selection is being considered for other hazardous materials as well, such as crude oil and ethanol. If so, how is the railroad responding to the idea of an alternative, more protective route?

Whit noted that to date, the MWRA is cooperating. Members then questioned if there had been additional public forums on the topic, and whether or not DCR's Division of Water Supply Protection was working with a federal liaison on rail safety. Members agreed that the committee must continue to probe the issue.

Paul Lauenstein raised the parallel with redundancy. He believes the matter of rail safety is being cast aside and not treated the same, yet the issues go 'hand in glove' as they both are related to guaranteeing Boston their water supply. As the Wachusett is a critical piece of the delivery system, the committee agreed the MWRA must take this issue very seriously.

Members discussed the possibility of a presentation or meeting with relevant agencies. Lexi noted that she has reached out to two MEMA representatives from Framingham that are responsible as first responders; she has not yet heard back from them about the currency of their emergency response plan released in 2011. Michael stated that a meeting between several WSCAC members, Fred Laskey, and Jonathon Yeo may be an effective next step. Paul noted that regardless of what form the meeting takes, it should focus on prevention. He then raised the question of whether or not the meeting should be private or public. Paul advocated for a public forum.

Whit proposed that WSCAC write a letter to ask the aforementioned questions and invite DCR and MWRA representatives to a meeting with the committee; Michael agreed. Members continued to debate the benefits of an open meeting versus a closed meeting and which legislators would be interested in the issue.

Kurt Tramosch stated that last year, MassDOT performed an extensive review of ethanol transport via rail. Their review included public hearings in Boston, a report, and a guidance document. He indicated that in many respects, emergency responders have been hiding behind security issues, but often train companies themselves don't know what is being shipped. Kurt, therefore, also advocated for an open, comprehensive discussion that would not enable agencies to restrict information under the guise of confidentiality.

Following this discussion, John Gregoire, Program Manager of Reservoir Operations, MWRA, presented an overview of Wachusett Reservoir rail safety. The presentation included information regarding recent railway inspections and improvements. John stated that new regulations require rail companies to work in conjunction with state agencies and Pan Am has been cooperative with the MWRA.

Members posed a number of questions. Michael asked about speed limits and whether they varied based on weather conditions; John stated that Pan Am recently reduced their speed limit voluntarily. Michael then asked who was responsible for rail safety at the Wachusett Reservoir. John replied that it is a joint responsibility of a variety of entities. He continued to say that the rail company owns the track and all of the equipment that runs on it and is therefore responsible for the track. DCR's watershed division and MWRA are collectively responsible for the reservoir and the watershed, and the DEP and EPA would be called in if the emergency response plan was activated.

Andreae Downs asked if rerouting options have been considered. John stated that nationwide, this is a huge topic in the rail industry. Paul asked if the state DOT office was involved; John stated that railways are an interstate commerce, therefore only the federal DOT deals with rail regulations. He continued to say that federal guidelines dictate that rail companies are responsible for maintenance and federal regulations determine what maintenance is required.

Whit then questioned how accurate the data is on what a railcar contains. John explained that every train engineer has a "Consist" list that details what is in each car; the conductor, engineer, and dispatch therefore know the contents of each car. He stated that MWRA does not receive that list on a daily basis. In the event of an emergency, the MWRA would receive that information.

Whit redirected the discussion to the topic of rerouting and questioned why the railway will not reroute their trains. John stated that it comes down to cost. In response, Whit proposed that a risk assessment to the water supply of millions of people be performed. John replied that in a letter to the Federal DOT, the MWRA highlighted that a public water supply should be considered in their risk assessment.

Dona Motts raised the topic of prevention versus response. John informed the committee that guardrails had been installed by the railroad company on both bridges on the causeway. In the event of a derailment, guardrails keep the train from jumping off the track entirely. Additionally, the MWRA has advocated for a crossover to safer railcars.

Upon the conclusion of the prevention discussion, the committee thanked John for his very informative presentation and he left the meeting. Michael then asked what the committee's next steps would be. Whit stated that the committee should support the comments made by the MWRA to the federal DOT and let it be known that the committee would like to stay informed on the rail safety issue. Paul suggested that updates should be given at subsequent meetings.

Andreae suggested that committee members write personal letters to their respective federal and state legislators to support the MWRA's suggested revisions to the federal regulations. Members agreed that if a template was written, they would send a letter to their legislators. Whit asked if Michael would work with Lexi on the template and he agreed to do so. Lexi then questioned if the consensus was to not write a second letter to Fred Laskey. Whit commented that writing a letter to Fred that expressed the committee's support may be a good idea; members thought it may be helpful to cc him on the proposed template letter.

Kinder Morgan Pipeline

Lexi directed the committee to the topic of the Kinder Morgan Pipeline. She stated that she had sent members a number of sources on the issue and wanted to get a sense of where members stood: is the pipeline in WSCAC's purview or not? Lexi stated that Martin Pillsbury, not in attendance, does not consider it to be. Whit agreed that the issue is not in the committee's purview. He stated that although it's an important topic for the citizens of Massachusetts, it is not within WSCAC's mission as it has no direct effect on the public water supply.

Paul asked to play the devil's advocate. He stated that the biggest contribution WSCAC has made to society is stopping the diversion from the Connecticut River, and turning instead to conservation, demand management and leak detection. Paul believes that the model is germane to the question of whether a gas pipeline should be installed or not. Paul does not think WSCAC has a responsibility, but believes the committee is in a position to make a huge contribution to society by pointing out the parallel to water conservation: should the policy be to bring more gas into New England? Or should the policy be to conserve energy and turn to efficiency? Paul said he would not be so quick to dismiss WSCAC's role in the situation. He suggested that the committee write a letter or provide someone with the information to write an op-ed piece because WSCAC has a lot of information about what happened, and Paul considers it a beautiful template for what could happen with gas.

Lexi expressed her hope that everyone at the meeting would weigh in on the topic. Michael agreed that WSCAC's history is instructive and could be very helpful. Whit suggested that Lexi write the key person at Conservation Law Foundation, as well as other organizations working to stop the pipeline, about the parallel Paul identified. Dona and Michael agreed. Whit and Paul stated that they have been doing so through email already, but as an entity, WSCAC could contribute to the movement. Members continued to debate and discuss the best format and forum for sharing WSCAC's history and its connection to the proposed gas pipeline. Paul commented that Nathan Phillips would be well suited to write an op-ed piece.

Dona expressed that she agreed with Paul and asked that the committee keep an open mind about the matter as no one knows what effect the pipeline will have on water supplies in Massachusetts. She stated that as we only have a visual depiction of where the pipeline will go and how it will be constructed, we cannot know for certain the implications it may have upon ground and surface water. She asked that the committee at least stay informed.

Andreae noted that natural gas, even if it does leak, is a cleaner fuel than the alternative of coal. Nathan commented that the impacts of producing Marcellus shale gas are often not considered when evaluating environmental impact. Andreae continued to state that the objective would be to replace a dirtier fuel with a cleaner fuel as an interim step to the point where we don't need to burn as many fossil fuels and we could reduce CO2 emissions. Paul countered that Andreae's point is debatable when methane gas is factored into the equation.

Lexi asked Gerald Eves if he had an opinion on the matter. Jerry stated that he does not believe the pipeline is in WSCAC's purview.

Whit asked Nathan if he had any comments. Nathan stated that he found WSCAC's history to be striking and he believes that the general citizenry is unaware of the story. He believes the experience and example must be shared and he stated that he would be willing to write a piece as part of the conversation about the Kinder Morgan pipeline. He suggested that WSCAC appear on a local radio show as a neutral party to share its experience.

Whit proceeded to recount the history of WSCAC's experience to emphasize the parallels that exist with the gas pipeline. He stated that there were leaks on both sides of the water supply system. Dona agreed that leakage was part of the problem, but affirmed that it was the entire conservation package that was important. Dona advocated that the same needs to be done with regards to energy.

Nathan stated that the committee must also keep in mind that the Salem gas-fired plant that is coming online is rated to be 700 megawatts. He expressed that that is excessive for the existing demand. Additionally, 150 megawatts are planned for export, rather than domestic use.

Michael stated that he believes WSCAC could offer their case study as an instructive example. He does not consider the two cases to be exactly parallel, and therefore is somewhat uncomfortable with presenting WSCAC's experience. He stated he would much prefer following Dona's suggestion of monitoring the pipeline's potential impact on water supply, as that is WSCAC's primary jurisdiction. He stated that the committee cannot act as spokespersons for all sorts of climate change issues. Based upon the Champlain pipeline proposal of the 1990's which discussed construction impacts, Michael does believe that the Kinder Morgan pipeline could have possible implications for the network of streams and groundwater that support the MWRA system.

Kurt Tramosch stated that last year, MassDOT performed an extensive review of ethanol transport via rail. Their review included public hearings in Boston, a report, and a guidance document. He indicated that in many respects, emergency responders have been hiding behind security issues, but often train companies themselves

don't know what is being shipped. Kurt advocated for an open, comprehensive discussion that would not enable agencies to restrict information under the guise of confidentiality.

Study of the Safety Impacts of Ethanol Transportation by Rail through Boston, Cambridge, Chelsea, Everett, Somerville, and Revere at:

<http://www.massdot.state.ma.us/planning/Main/CurrentStudies/EthanolSafetyStudy.aspx>

Kurt stated that when Whit said the pipeline was not a WSCAC issue, he took exception. Kurt recounted a 1980s Wayland pipeline incident where a petroleum products pipeline was cut because town officials were unaware of its location. The same Shell products pipeline was aged and had, in the 1990s, leaked tens of thousands of gallons of product in wetlands in Sherborn and Medfield and it is now completely shut down. Kurt connected this story to the present Kinder Morgan Tennessee natural gas pipeline issue by stating that the pipeline has been in place in Wayland for 60 years and mostly ignored. There is no local emergency response plan in place. It was improperly installed and town officials were unaware of its location. Kurt connected this story to the present pipeline issue by stating that existing pipelines in the Wayland community are aged and leaking; additionally, there is no emergency response plan in place. Kurt thinks that Kinder Morgan purposefully avoided MWRA-DCR watershed areas to the north of Quabbin as they did not want to 'take the MWRA on' and that the proposed pipeline alignment would run through other conservation lands and many local drinking water protection areas. He advised WSCAC to stay informed on the macro implications that the construction and operation of natural gas pipelines may have on the state's public and private water supplies.

Michael questioned what the direct impacts would be on the MWRA water system. Kurt responded that he did not know. Kurt thinks that the MWRA should be concerned with the southern Spectra natural gas pipeline modifications such as the gas pipelines crossing water pipelines in Westwood and West Roxbury. He concluded by stating that it cannot hurt to stay informed and ask questions.

Nathan then asked if there was any written account of WSCAC's history. Michael responded that he has an archive with information including the EIR on taking water from the Connecticut River and putting it into the MWRA system. Dona stated that there had been a 'Lessons Learned' section written by Alexandra Dawson. Lexi said she would look for the article. Paul suggested that Eileen Simonson may be happy to provide Nathan with some perspective on the issue.

Lexi addressed the committee to determine their collective voice on the pipeline issue: should Nathan be provided with information to write an article on the parallel? Whit said he believed the committee could provide Nathan with such information and it would be interesting if the Boston Globe picked the piece up as an op-ed.

Michael questioned if the committee would continue to keep the issue open. Whit stated yes, he was in favor of doing so. The committee agreed.

Lexi concluded the meeting by stating that the next WSCAC meeting would be on November 6th in Southborough. There will be a presentation on the Watershed Protection Act and an update on DCR's land acquisition program. Bill Fadden questioned if anything had been done in regard to the proposed Clean Water Act regulations. Lexi replied that the committee had not shown interest in signing. Lexi said she would contact the American Rivers Association to get a clearer idea of the proposed changes. Michael asked if the MWRA had released any statements regarding the matter; Lexi replied that she would ask Steve.

The meeting was adjourned.